

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**FILED**

JAN 11 2023

CLERK, U. S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_ DEPUTY CLERK

## **ORDER ON REPORT AND RECOMMENDATION**

Before the court in the above-referenced cause are Plaintiff Lyndon Pierre's Opposed Motion for Award of Costs of Court, Attorney's Fees and Expenses (Doc. #77) and all related briefing, which was referred to a United States Magistrate Judge for Report and Recommendation. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72; Loc. R. W.D. Tex. App'x C, R. 1(d). The magistrate judge rendered a Report and Recommendation on December 19, 2022 (Doc. #85), recommending that the court grant the motion in full, award attorney's fees in the amount of \$85,156.25, expenses in the amount of \$2,042.68, and taxable court costs in the amount of \$958.00.

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within 14 days after being served with a copy of the report and recommendation and thereby secure *de novo* review by the district court. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). A party's failure to timely file written objections to the

proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

Objections to the report and recommendation, if any, were due to be filed on January 3, 2023. To date, no objections have been filed. Having reviewed the report and recommendation along with the case file and applicable law, the court finds no plain error and accepts the report and recommendation for substantially the reasons stated therein. *See* FED. R. CIV. P. 72(b).

**IT IS ORDERED** that the United States Magistrate Judge's Report and Recommendation (Doc. #85) filed in this cause is **APPROVED** and **ACCEPTED** by the court.

**IT IS FURTHER ORDERED** that Plaintiff Lyndon Pierre's Opposed Motion for Award of Costs of Court, Attorney's Fees and Expenses (Doc. #77) is **GRANTED AS FOLLOWS:** Pierre is awarded attorney's fees in the amount of \$85,156.25, expenses in the amount of \$2,042.68, and taxable court costs in the amount of \$958.00.

SIGNED this 11th day of January, 2023.



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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE